

**ASSEMBLY BILL**

**No. 782**

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**Introduced by Assembly Member Jeffries**

February 26, 2009

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An act to amend Section 65080 of, and to add Section 65080.02 to, the Government Code, and to amend Section 21159.28 of the Public Resources Code, relating to transportation planning.

LEGISLATIVE COUNSEL'S DIGEST

AB 782, as introduced, Jeffries. Regional transportation plans: sustainable communities strategies.

Existing law, the California Global Warming Solutions Act of 2006, requires the State Air Resources Board to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions levels of 1990, to be achieved by 2020, as specified.

Existing law requires certain transportation planning activities by designated regional transportation planning agencies, including development of a regional transportation plan. Certain of these agencies are designated under federal law as metropolitan planning organizations. Existing law requires metropolitan planning organizations to adopt a sustainable communities strategy as part of their regional transportation plan, which is to be designed to achieve certain targets established by the State Air Resources Board for the reduction of greenhouse gas emissions from automobiles and light trucks in the region. Existing law, to the extent the sustainable communities strategy is unable to achieve the greenhouse gas emissions reduction targets, requires the affected metropolitan planning organization to prepare an alternative planning strategy showing how the targets may be achieved through alternative development patterns, infrastructure, or additional transportation

measures or policies. Existing law requires the State Air Resources Board to review each sustainable communities strategy or alternative planning strategy to determine its effectiveness in meeting the targets, and requires certain actions by the metropolitan planning organizations to revise the strategy if it is found not to meet the targets.

This bill would provide that upon the state board's acceptance that the sustainable communities strategy or an alternative planning strategy, if implemented, will achieve the greenhouse gas emissions reduction targets established by the state board, that acceptance shall be final, and no person or entity may initiate or maintain any judicial proceeding to review the propriety of the state board's acceptance.

This bill would also provide that any local government entity participating in the sustainable communities strategy or an alternative planning strategy that subsequently determines that a project proposed for approval within its jurisdiction is consistent with the applicable strategy, that project shall be deemed compliant with the requirements of AB 32 of 2006 and SB 375 of 2008, and no person or entity may initiate or maintain any judicial proceeding to review the propriety of the local government entity's determination that the project is consistent with the strategy.

Existing law requires the State Air Resources Board to appoint a Regional Targets Advisory Committee, consisting of representatives of various entities, to recommend factors to be considered and methodologies to be used for setting greenhouse gas emission reduction targets for the regions required to prepare a sustainable communities strategy or alternative planning strategy as part of their regional transportation plan.

This bill would add representatives of commercial builders, the business community, and entities involved in the funding of transportation projects to the entities to be appointed to the committee. The bill would also require a metropolitan planning organization preparing a sustainable communities strategy or an alternative planning strategy to create a business advisory committee to provide input on the potential impacts of the proposed strategy on business activities and the economy.

Existing law generally requires transportation planning and programming activities by the metropolitan planning organization to be consistent with the sustainable communities strategy, with exceptions applicable to certain transportation projects programmed by December

31, 2011, including projects listed in a local sales tax measure prior to December 31, 2008.

This bill would further exempt all projects funded by the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (Proposition 1B) and the federal American Recovery and Reinvestment Act of 2009 regardless of the date of programming or construction. The bill would also exempt projects listed in a local sales tax measure prior to December 31, 2010.

The California Environmental Quality Act (CEQA) provides that a residential or mixed-use residential project that is consistent with the use designation, density, building intensity, and applicable policies for the project area in a sustainable community strategy or an alternative planning strategy and that, if implemented, achieves the greenhouse gas emission reduction targets and incorporates the mitigation measures required by an applicable prior environmental document is exempted from the requirement to reference, describe, or discuss growth inducing impacts or project specific or cumulative impacts from vehicle trips generated by the project on global warming or the regional transportation network in any findings or other determination for an exemption, a negative declaration, a mitigated negative declaration, a sustainable communities environmental assessment, an environmental impact report, or addenda prepared or adopted pursuant to CEQA.

This bill would extend the applicability of the above-referenced CEQA exemption to any development project, including, but not limited to, a residential or mixed-use residential project, health facility, educational facility, retail facility, commercial job center, or transportation project. By requiring a lead agency to determine whether this exemption applies to additional projects, the bill would increase the level of service provided by a local agency, thereby imposing a state-mandated local program.

Existing law provides that the above-referenced CEQA exemption does not relieve a project from a requirement to comply with any conditions, exactions, or fees for the mitigation of the project's impacts on the structure, safety, or operations of the regional transportation network or local streets and roads.

This bill would provide that this exemption also does not relieve a project from a requirement to comply with any conditions, exactions, or fees for the mitigation of the project's impacts on the structure, safety, or operations of the state highway system.

This bill would also state the intent of the Legislature to enact legislation to resolve conflicts between the scheduling of new housing element updates and adoption of the regional transportation plans.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 65080 of the Government Code is  
2 amended to read:

3 65080. (a) Each transportation planning agency designated  
4 under Section 29532 or 29532.1 shall prepare and adopt a regional  
5 transportation plan directed at achieving a coordinated and balanced  
6 regional transportation system, including, but not limited to, mass  
7 transportation, highway, railroad, maritime, bicycle, pedestrian,  
8 goods movement, and aviation facilities and services. The plan  
9 shall be action-oriented and pragmatic, considering both the  
10 short-term and long-term future, and shall present clear, concise  
11 policy guidance to local and state officials. The regional  
12 transportation plan shall consider factors specified in Section 134  
13 of Title 23 of the United States Code. Each transportation planning  
14 agency shall consider and incorporate, as appropriate, the  
15 transportation plans of cities, counties, districts, private  
16 organizations, and state and federal agencies.

17 (b) The regional transportation plan shall be an internally  
18 consistent document and shall include all of the following:

19 (1) A policy element that describes the transportation issues in  
20 the region, identifies and quantifies regional needs, and describes  
21 the desired short-range and long-range transportation goals, and  
22 pragmatic objective and policy statements. The objective and policy  
23 statements shall be consistent with the funding estimates of the  
24 financial element. The policy element of transportation planning  
25 agencies with populations that exceed 200,000 persons may  
26 quantify a set of indicators including, but not limited to, all of the  
27 following:

1 (A) Measures of mobility and traffic congestion, including, but  
2 not limited to, daily vehicle hours of delay per capita and vehicle  
3 miles traveled per capita.

4 (B) Measures of road and bridge maintenance and rehabilitation  
5 needs, including, but not limited to, roadway pavement and bridge  
6 conditions.

7 (C) Measures of means of travel, including, but not limited to,  
8 percentage share of all trips (work and nonwork) made by all of  
9 the following:

10 (i) Single occupant vehicle.

11 (ii) Multiple occupant vehicle or carpool.

12 (iii) Public transit including commuter rail and intercity rail.

13 (iv) Walking.

14 (v) Bicycling.

15 (D) Measures of safety and security, including, but not limited  
16 to, total injuries and fatalities assigned to each of the modes set  
17 forth in subparagraph (C).

18 (E) Measures of equity and accessibility, including, but not  
19 limited to, percentage of the population served by frequent and  
20 reliable public transit, with a breakdown by income bracket, and  
21 percentage of all jobs accessible by frequent and reliable public  
22 transit service, with a breakdown by income bracket.

23 (F) The requirements of this section may be met utilizing  
24 existing sources of information. No additional traffic counts,  
25 household surveys, or other sources of data shall be required.

26 (2) A sustainable communities strategy prepared by each  
27 metropolitan planning organization as follows:

28 (A) No later than September 30, 2010, the State Air Resources  
29 Board shall provide each affected region with greenhouse gas  
30 emission reduction targets for the automobile and light truck sector  
31 for 2020 and 2035, respectively.

32 (i) No later than January 31, 2009, the state board shall appoint  
33 a Regional Targets Advisory Committee to recommend factors to  
34 be considered and methodologies to be used for setting greenhouse  
35 gas emission reduction targets for the affected regions. The  
36 committee shall be composed of representatives of the metropolitan  
37 planning organizations, affected air districts, the League of  
38 California Cities, the California State Association of Counties,  
39 local transportation agencies, and members of the public, including  
40 homebuilders, *commercial builders*, *the business community*,

1 environmental organizations, planning organizations,  
2 environmental justice organizations, affordable housing  
3 organizations, *entities involved in the funding of transportation*  
4 *projects*, and others. The advisory committee shall transmit a report  
5 with its recommendations to the state board no later than September  
6 30, 2009. In recommending factors to be considered and  
7 methodologies to be used, the advisory committee may consider  
8 any relevant issues, including, but not limited to, data needs,  
9 modeling techniques, growth forecasts, the impacts of regional  
10 jobs-housing balance on interregional travel and greenhouse gas  
11 emissions, economic and demographic trends, the magnitude of  
12 greenhouse gas reduction benefits from a variety of land use and  
13 transportation strategies, and appropriate methods to describe  
14 regional targets and to monitor performance in attaining those  
15 targets. The state board shall consider the report prior to setting  
16 the targets.

17 (ii) Prior to setting the targets for a region, the state board shall  
18 exchange technical information with the metropolitan planning  
19 organization and the affected air district. The metropolitan planning  
20 organization may recommend a target for the region. The  
21 metropolitan planning organization shall hold at least one public  
22 workshop within the region after receipt of the report from the  
23 advisory committee. The state board shall release draft targets for  
24 each region no later than June 30, 2010.

25 (iii) In establishing these targets, the state board shall take into  
26 account greenhouse gas emission reductions that will be achieved  
27 by improved vehicle emission standards, changes in fuel  
28 composition, and other measures it has approved that will reduce  
29 greenhouse gas emissions in the affected regions, and prospective  
30 measures the state board plans to adopt to reduce greenhouse gas  
31 emissions from other greenhouse gas emission sources as that term  
32 is defined in subdivision (i) of Section 38505 of the Health and  
33 Safety Code and consistent with the regulations promulgated  
34 pursuant to the California Global Warming Solutions Act of 2006  
35 (Division 12.5 (commencing with Section 38500) of the Health  
36 and Safety Code).

37 (iv) The state board shall update the regional greenhouse gas  
38 emission reduction targets every eight years consistent with each  
39 metropolitan planning organization's timeframe for updating its  
40 regional transportation plan under federal law until 2050. The state

1 board may revise the targets every four years based on changes in  
2 the factors considered under clause (iii) above. The state board  
3 shall exchange technical information with the Department of  
4 Transportation, metropolitan planning organizations, local  
5 governments, and affected air districts and engage in a consultative  
6 process with public and private stakeholders prior to updating these  
7 targets.

8 (v) The greenhouse gas emission reduction targets may be  
9 expressed in gross tons, tons per capita, tons per household, or in  
10 any other metric deemed appropriate by the state board.

11 (B) Each metropolitan planning organization shall prepare a  
12 sustainable communities strategy, subject to the requirements of  
13 Part 450 of Title 23 of, and Part 93 of Title 40 of, the Code of  
14 Federal Regulations, including the requirement to utilize the most  
15 recent planning assumptions considering local general plans and  
16 other factors. The sustainable communities strategy shall (i)  
17 identify the general location of uses, residential densities, and  
18 building intensities within the region; (ii) identify areas within the  
19 region sufficient to house all the population of the region, including  
20 all economic segments of the population, over the course of the  
21 planning period of the regional transportation plan taking into  
22 account net migration into the region, population growth, household  
23 formation and employment growth; (iii) identify areas within the  
24 region sufficient to house an eight-year projection of the regional  
25 housing need for the region pursuant to Section 65584; (iv) identify  
26 a transportation network to service the transportation needs of the  
27 region; (v) gather and consider the best practically available  
28 scientific information regarding resource areas and farmland in  
29 the region as defined in subdivisions (a) and (b) of Section  
30 65080.01; (vi) consider the state housing goals specified in Sections  
31 65580 and 65581; (vii) set forth a forecasted development pattern  
32 for the region, which, when integrated with the transportation  
33 network, and other transportation measures and policies, will  
34 reduce the greenhouse gas emissions from automobiles and light  
35 trucks to achieve, if there is a feasible way to do so, the greenhouse  
36 gas emission reduction targets approved by the state board; and  
37 (viii) allow the regional transportation plan to comply with Section  
38 176 of the federal Clean Air Act (42 U.S.C. Sec. 7506). Within  
39 the jurisdiction of the Metropolitan Transportation Commission,  
40 as defined by Section 66502, the Association of Bay Area

1 Governments shall be responsible for clauses (i), (ii), (iii), (v), and  
2 (vi), the Metropolitan Transportation Commission shall be  
3 responsible for clauses (iv) and (viii); and the Association of Bay  
4 Area Governments and the Metropolitan Transportation  
5 Commission shall jointly be responsible for clause (vii).

6 (C) In the region served by the multicounty transportation  
7 planning agency described in Section 130004 of the Public Utilities  
8 Code, a subregional council of governments and the county  
9 transportation commission may work together to propose the  
10 sustainable communities strategy and an alternative planning  
11 strategy, if one is prepared pursuant to subparagraph (H), for that  
12 subregional area. The metropolitan planning organization may  
13 adopt a framework for a subregional sustainable communities  
14 strategy or a subregional alternative planning strategy to address  
15 the intraregional land use, transportation, economic, air quality,  
16 and climate policy relationships. The metropolitan planning  
17 organization shall include the subregional sustainable communities  
18 strategy for that subregion in the regional sustainable communities  
19 strategy to the extent consistent with this section and federal law  
20 and approve the subregional alternative planning strategy, if one  
21 is prepared pursuant to subparagraph (H), for that subregional area  
22 to the extent consistent with this section. The metropolitan planning  
23 organization shall develop overall guidelines, create public  
24 participation plans pursuant to subparagraph (E), ensure  
25 coordination, resolve conflicts, make sure that the overall plan  
26 complies with applicable legal requirements, and adopt the plan  
27 for the region.

28 (D) The metropolitan planning organization shall conduct at  
29 least two informational meetings in each county within the region  
30 for members of the board of supervisors and city councils on the  
31 sustainable communities strategy and alternative planning strategy,  
32 if any. The metropolitan planning organization may conduct only  
33 one informational meeting if it is attended by representatives of  
34 the county board of supervisors and city council members  
35 representing a majority of the cities representing a majority of the  
36 population in the incorporated areas of that county. Notice of the  
37 meeting shall be sent to the clerk of the board of supervisors and  
38 to each city clerk. The purpose of the meeting shall be to present  
39 a draft of the sustainable communities strategy to the members of



1 the board of supervisors and the city council members in that  
2 county and to solicit and consider their input and recommendations.

3 (E) Each metropolitan planning organization shall adopt a public  
4 participation plan, for development of the sustainable communities  
5 strategy and an alternative planning strategy, if any, that includes  
6 all of the following:

7 (i) Outreach efforts to encourage the active participation of a  
8 broad range of stakeholder groups in the planning process,  
9 consistent with the agency's adopted Federal Public Participation  
10 Plan, including, but not limited to, affordable housing advocates,  
11 transportation advocates, neighborhood and community groups,  
12 environmental advocates, home builder representatives,  
13 broad-based business organizations, landowners, commercial  
14 property interests, and homeowner associations.

15 (ii) Consultation with congestion management agencies,  
16 transportation agencies, and transportation commissions.

17 (iii) Workshops throughout the region to provide the public with  
18 the information and tools necessary to provide a clear  
19 understanding of the issues and policy choices. At least one  
20 workshop shall be held in each county in the region. For counties  
21 with a population greater than 500,000, at least three workshops  
22 shall be held. Each workshop, to the extent practicable, shall  
23 include urban simulation computer modeling to create visual  
24 representations of the sustainable communities strategy and the  
25 alternative planning strategy.

26 (iv) Preparation and circulation of a draft sustainable  
27 communities strategy and an alternative planning strategy, if one  
28 is prepared, not less than 55 days before adoption of a final regional  
29 transportation plan.

30 (v) At least three public hearings on the draft sustainable  
31 communities strategy in the regional transportation plan and  
32 alternative planning strategy, if one is prepared. If the metropolitan  
33 transportation organization consists of a single county, at least two  
34 public hearings shall be held. To the maximum extent feasible, the  
35 hearings shall be in different parts of the region to maximize the  
36 opportunity for participation by members of the public throughout  
37 the region.

38 (vi) A process for enabling members of the public to provide a  
39 single request to receive notices, information, and updates.

1 (F) In preparing a sustainable communities strategy, the  
2 metropolitan planning organization shall consider spheres of  
3 influence that have been adopted by the local agency formation  
4 commissions within its region.

5 (G) Prior to adopting a sustainable communities strategy, the  
6 metropolitan planning organization shall quantify the reduction in  
7 greenhouse gas emissions projected to be achieved by the  
8 sustainable communities strategy and set forth the difference, if  
9 any, between the amount of that reduction and the target for the  
10 region established by the state board.

11 (H) If the sustainable communities strategy, prepared in  
12 compliance with subparagraph (B) or (C), is unable to reduce  
13 greenhouse gas emissions to achieve the greenhouse gas emission  
14 reduction targets established by the state board, the metropolitan  
15 planning organization shall prepare an alternative planning strategy  
16 to the sustainable communities strategy showing how those  
17 greenhouse gas emission targets would be achieved through  
18 alternative development patterns, infrastructure, or additional  
19 transportation measures or policies. The alternative planning  
20 strategy shall be a separate document from the regional  
21 transportation plan, but it may be adopted concurrently with the  
22 regional transportation plan. In preparing the alternative planning  
23 strategy, the metropolitan planning organization:

24 (i) Shall identify the principal impediments to achieving the  
25 targets within the sustainable communities strategy.

26 (ii) May include an alternative development pattern for the  
27 region pursuant to subparagraphs (B) to (F), inclusive.

28 (iii) Shall describe how the greenhouse gas emission reduction  
29 targets would be achieved by the alternative planning strategy, and  
30 why the development pattern, measures, and policies in the  
31 alternative planning strategy are the most practicable choices for  
32 achievement of the greenhouse gas emission reduction targets.

33 (iv) An alternative development pattern set forth in the  
34 alternative planning strategy shall comply with Part 450 of Title  
35 23 of, and Part 93 of Title 40 of, the Code of Federal Regulations,  
36 except to the extent that compliance will prevent achievement of  
37 the greenhouse gas emission reduction targets approved by the  
38 state board.

39 (v) For purposes of the California Environmental Quality Act  
40 (Division 13 (commencing with Section 21000) of the Public

Resources Code), an alternative planning strategy shall not constitute a land use plan, policy, or regulation, and the inconsistency of a project with an alternative planning strategy shall not be a consideration in determining whether a project may have an environmental effect.

(I) (i) Prior to starting the public participation process adopted pursuant to subparagraph (E) of paragraph (2) of subdivision (b) of Section 65080, the metropolitan planning organization shall submit a description to the state board of the technical methodology it intends to use to estimate the greenhouse gas emissions from its sustainable communities strategy and, if appropriate, its alternative planning strategy. The state board shall respond to the metropolitan planning organization in a timely manner with written comments about the technical methodology, including specifically describing any aspects of that methodology it concludes will not yield accurate estimates of greenhouse gas emissions, and suggested remedies. The metropolitan planning organization is encouraged to work with the state board until the state board concludes that the technical methodology operates accurately.

(ii) After adoption, a metropolitan planning organization shall submit a sustainable communities strategy or an alternative planning strategy, if one has been adopted, to the state board for review, including the quantification of the greenhouse gas emission reductions the strategy would achieve and a description of the technical methodology used to obtain that result. Review by the state board shall be limited to acceptance or rejection of the metropolitan planning organization's determination that the strategy submitted would, if implemented, achieve the greenhouse gas emission reduction targets established by the state board. The state board shall complete its review within 60 days.

(iii) If the state board determines that the strategy submitted would not, if implemented, achieve the greenhouse gas emission reduction targets, the metropolitan planning organization shall revise its strategy or adopt an alternative planning strategy, if not previously adopted, and submit the strategy for review pursuant to clause (ii). At a minimum, the metropolitan planning organization must obtain state board acceptance that an alternative planning strategy would, if implemented, achieve the greenhouse gas emission reduction targets established for that region by the state board.

1 (J) Neither a sustainable communities strategy nor an alternative  
2 planning strategy regulates the use of land, nor, except as provided  
3 by subparagraph (I), shall either one be subject to any state  
4 approval. Nothing in a sustainable communities strategy shall be  
5 interpreted as superseding the exercise of the land use authority  
6 of cities and counties within the region. Nothing in this section  
7 shall be interpreted to limit the state board's authority under any  
8 other provision of law. Nothing in this section shall be interpreted  
9 to authorize the abrogation of any vested right whether created by  
10 statute or by common law. Nothing in this section shall require a  
11 city's or county's land use policies and regulations, including its  
12 general plan, to be consistent with the regional transportation plan  
13 or an alternative planning strategy. Nothing in this section requires  
14 a metropolitan planning organization to approve a sustainable  
15 communities strategy that would be inconsistent with Part 450 of  
16 Title 23 of, or Part 93 of Title 40 of, the Code of Federal  
17 Regulations and any administrative guidance under those  
18 regulations. Nothing in this section relieves a public or private  
19 entity or any person from compliance with any other local, state,  
20 or federal law.

21 (K) Nothing in this section requires projects programmed for  
22 funding on or before December 31, 2011, to be subject to the  
23 provisions of this paragraph if they (i) are contained in the 2007  
24 or 2009 Federal Statewide Transportation Improvement Program;  
25 ~~or (ii) are funded pursuant to Chapter 12.49 (commencing with~~  
26 ~~Section 8879.20) of Division 1 of Title 2, or (iii) were specifically~~  
27 ~~listed in a ballot measure prior to December 31, 2008~~ 2010,  
28 approving a sales tax increase for transportation projects. Nothing  
29 in this section shall require a transportation sales tax authority to  
30 change the funding allocations approved by the voters for  
31 categories of transportation projects in a sales tax measure adopted  
32 prior to December 31, 2010. For purposes of this subparagraph, a  
33 transportation sales tax authority is a district, as defined in Section  
34 7252 of the Revenue and Taxation Code, that is authorized to  
35 impose a sales tax for transportation purposes. *Nothing is this*  
36 *section or any other provision of law requires projects funded by*  
37 *Chapter 12.49 (commencing with Section 8879.20) of Division 1*  
38 *of Title 2 or by the federal American Recovery and Reinvestment*  
39 *Act of 2009 to be subject to the provisions of this paragraph,*  
40 *regardless of the date of programming or construction.*

1 (L) A metropolitan planning organization, or a regional  
2 transportation planning agency not within a metropolitan planning  
3 organization, that is required to adopt a regional transportation  
4 plan not less than every five years, may elect to adopt the plan not  
5 less than every four years. This election shall be made by the board  
6 of directors of the metropolitan planning organization or regional  
7 transportation planning agency no later than June 1, 2009, or  
8 thereafter 54 months prior to the statutory deadline for the adoption  
9 of housing elements for the local jurisdictions within the region,  
10 after a public hearing at which comments are accepted from  
11 members of the public and representatives of cities and counties  
12 within the region covered by the metropolitan planning  
13 organization or regional transportation planning agency. Notice  
14 of the public hearing shall be given to the general public and by  
15 mail to cities and counties within the region no later than 30 days  
16 prior to the date of the public hearing. Notice of election shall be  
17 promptly given to the Department of Housing and Community  
18 Development. The metropolitan planning organization or the  
19 regional transportation planning agency shall complete its next  
20 regional transportation plan within three years of the notice of  
21 election.

22 (M) Two or more of the metropolitan planning organizations  
23 for Fresno County, Kern County, Kings County, Madera County,  
24 Merced County, San Joaquin County, Stanislaus County, and  
25 Tulare County may work together to develop and adopt  
26 multiregional goals and policies that may address interregional  
27 land use, transportation, economic, air quality, and climate  
28 relationships. The participating metropolitan planning organizations  
29 may also develop a multiregional sustainable communities strategy,  
30 to the extent consistent with federal law, or an alternative planning  
31 strategy for adoption by the metropolitan planning organizations.  
32 Each participating metropolitan planning organization shall  
33 consider any adopted multiregional goals and policies in the  
34 development of a sustainable communities strategy and, if  
35 applicable, an alternative planning strategy for its region.

36 (N) *A metropolitan planning organization preparing a*  
37 *sustainable communities strategy or an alternative planning*  
38 *strategy pursuant to this paragraph shall create a business*  
39 *advisory committee to provide input to the metropolitan planning*

1 *organization on the potential impacts on business activities and*  
2 *the economy of the strategy being proposed.*

3 (3) An action element that describes the programs and actions  
4 necessary to implement the plan and assigns implementation  
5 responsibilities. The action element may describe all transportation  
6 projects proposed for development during the 20-year or greater  
7 life of the plan. The action element shall consider congestion  
8 management programming activities carried out within the region.

9 (4) (A) A financial element that summarizes the cost of plan  
10 implementation constrained by a realistic projection of available  
11 revenues. The financial element shall also contain  
12 recommendations for allocation of funds. A county transportation  
13 commission created pursuant to Section 130000 of the Public  
14 Utilities Code shall be responsible for recommending projects to  
15 be funded with regional improvement funds, if the project is  
16 consistent with the regional transportation plan. The first five years  
17 of the financial element shall be based on the five-year estimate  
18 of funds developed pursuant to Section 14524. The financial  
19 element may recommend the development of specified new sources  
20 of revenue, consistent with the policy element and action element.

21 (B) The financial element of transportation planning agencies  
22 with populations that exceed 200,000 persons may include a project  
23 cost breakdown for all projects proposed for development during  
24 the 20-year life of the plan that includes total expenditures and  
25 related percentages of total expenditures for all of the following:

- 26 (i) State highway expansion.
- 27 (ii) State highway rehabilitation, maintenance, and operations.
- 28 (iii) Local road and street expansion.
- 29 (iv) Local road and street rehabilitation, maintenance, and  
30 operation.
- 31 (v) Mass transit, commuter rail, and intercity rail expansion.
- 32 (vi) Mass transit, commuter rail, and intercity rail rehabilitation,  
33 maintenance, and operations.
- 34 (vii) Pedestrian and bicycle facilities.
- 35 (viii) Environmental enhancements and mitigation.
- 36 (ix) Research and planning.
- 37 (x) Other categories.

38 (C) The metropolitan planning organization or county  
39 transportation agency, whichever entity is appropriate, shall  
40 consider financial incentives for cities and counties that have

1 resource areas or farmland, as defined in Section 65080.01, for  
2 the purposes of, for example, transportation investments for the  
3 preservation and safety of the city street or county road system  
4 and farm to market and interconnectivity transportation needs. The  
5 metropolitan planning organization or county transportation  
6 agency, whichever entity is appropriate, shall also consider  
7 financial assistance for counties to address countywide service  
8 responsibilities in counties that contribute towards the greenhouse  
9 gas emission reduction targets by implementing policies for growth  
10 to occur within their cities.

11 (c) Each transportation planning agency may also include other  
12 factors of local significance as an element of the regional  
13 transportation plan, including, but not limited to, issues of mobility  
14 for specific sectors of the community, including, but not limited  
15 to, senior citizens.

16 (d) Except as otherwise provided in this subdivision, each  
17 transportation planning agency shall adopt and submit, every four  
18 years, an updated regional transportation plan to the California  
19 Transportation Commission and the Department of Transportation.  
20 A transportation planning agency located in a federally designated  
21 air quality attainment area or that does not contain an urbanized  
22 area may at its option adopt and submit a regional transportation  
23 plan every five years. When applicable, the plan shall be consistent  
24 with federal planning and programming requirements and shall  
25 conform to the regional transportation plan guidelines adopted by  
26 the California Transportation Commission. Prior to adoption of  
27 the regional transportation plan, a public hearing shall be held after  
28 the giving of notice of the hearing by publication in the affected  
29 county or counties pursuant to Section 6061.

30 *(e) This section does not relieve a person proposing a project*  
31 *from a requirement to comply with any conditions, exactions, or*  
32 *fees for mitigation of the project's impacts on the structure, safety,*  
33 *or operations of the state highway system as established in Section*  
34 *300 of the Streets and Highways Code.*

35 SEC. 2. Section 65080.02 is added to the Government Code,  
36 to read:

37 65080.02. (a) Notwithstanding any other provision of law,  
38 upon the acceptance pursuant to Section 65080 by the State Air  
39 Resources Board that the sustainable communities strategy or an  
40 alternative planning strategy, if implemented, will achieve the

1 greenhouse gas emissions reduction targets established by the state  
2 board, that acceptance by the state board shall be final and no  
3 person or entity, private or public, may initiate or maintain any  
4 judicial proceeding to review the propriety of the state board's  
5 acceptance.

6 (b) Notwithstanding any other provision of law, for any local  
7 government entity that participated in a sustainable communities  
8 strategy or alternative planning strategy that resulted in acceptance  
9 by the state board pursuant to Section 65080, and that subsequently  
10 determines that a project proposed for approval within the  
11 jurisdiction of the local government entity is consistent with the  
12 sustainable communities strategy or alternative planning strategy,  
13 that project shall be deemed compliant with the requirements of  
14 Assembly Bill 32 (Chapter 488 of the Statutes of 2006) and Senate  
15 Bill 375 (Chapter 728 of the Statutes of 2008), and no person or  
16 entity, private or public, may initiate or maintain any judicial  
17 proceeding to review the propriety of the local government entity's  
18 determination that the project is consistent with the sustainable  
19 communities strategy or alternative planning strategy or that the  
20 project is in compliance with Chapter 488 of the Statutes of 2006  
21 and Chapter 728 of the Statutes of 2008.

22 SEC. 3. Section 21159.28 of the Public Resources Code is  
23 amended to read:

24 21159.28. (a) If a ~~residential or mixed-use residential~~ project  
25 is consistent with the *applicable* use designation, density, building  
26 intensity, and applicable policies specified for the project area in  
27 either a sustainable communities strategy or an alternative planning  
28 strategy, for which the State Air Resources Board pursuant to  
29 subparagraph (I) of paragraph (2) of subdivision (b) of Section  
30 65080 of the Government Code has accepted the metropolitan  
31 planning organization's determination that the sustainable  
32 communities strategy or the alternative planning strategy would,  
33 if implemented, achieve the greenhouse gas emission reduction  
34 targets and if the project incorporates the mitigation measures  
35 required by an applicable prior environmental document, then any  
36 findings or other determinations for an exemption, a negative  
37 declaration, a mitigated negative declaration, a sustainable  
38 communities environmental assessment, an environmental impact  
39 report, or addenda prepared or adopted for the project pursuant to  
40 this division shall not be required to reference, describe, or discuss



1 (1) growth inducing impacts; or (2) any project specific or  
2 cumulative impacts from cars and light-duty truck trips generated  
3 by the project on global warming or the regional transportation  
4 network.

5 (b) ~~Any~~ An environmental impact report prepared for a project  
6 described in subdivision (a) shall not be required to reference,  
7 describe, or discuss a reduced-residential density alternative to  
8 address the effects of car and light-duty truck trips generated by  
9 the project.

10 (c) *“Project,” for purposes of this section, means any*  
11 *development project, including, but not limited to, a residential or*  
12 *mixed-use residential project, a health facility, an educational*  
13 *facility, a retail facility, a commercial job center, or a*  
14 *transportation project.*

15 (e)

16 (d) *“Regional transportation network,” for purposes of this*  
17 *section, means all existing and proposed transportation system*  
18 *improvements, including the state transportation system, that were*  
19 *included in the transportation and air quality conformity modeling,*  
20 *including congestion modeling, for the final regional transportation*  
21 *plan adopted by the metropolitan planning organization, but shall*  
22 *not include local streets and roads. Nothing in the foregoing*  
23 *relieves any project from a requirement to comply with any*  
24 *conditions, exactions, or fees for the mitigation of the project’s*  
25 *impacts on the structure, safety, or operations of the state highway*  
26 *system, the regional transportation network, or local streets and*  
27 *roads.*

28 (d) A residential or mixed-use residential project is a project  
29 where at least 75 percent of the total building square footage of  
30 the project consists of residential use or a project that is a transit  
31 priority project as defined in Section 21155.

32 SEC. 4. It is the intent of the Legislature to enact legislation  
33 to resolve conflicts between the scheduling of new housing element  
34 updates and adoption of the regional transportation plans.

35 SEC. 5. No reimbursement is required by this act pursuant to  
36 Section 6 of Article XIII B of the California Constitution because  
37 a local agency or school district has the authority to levy service  
38 charges, fees, or assessments sufficient to pay for the program or

- 1 level of service mandated by this act, within the meaning of Section
- 2 17556 of the Government Code.

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